

AMENDED IN SENATE MAY 27, 2011
AMENDED IN SENATE MAY 11, 2011
AMENDED IN SENATE APRIL 25, 2011
AMENDED IN SENATE MARCH 31, 2011

SENATE BILL

No. 383

Introduced by Senator Wolk

February 15, 2011

~~An act relating to energy.~~ *An act to amend Sections 216 and 218 of, to repeal Section 2826.5 of, and to repeal and add Chapter 7.5 (commencing with Section 2830) of Part 2 of Division 1 of, the Public Utilities Code, relating to energy.*

LEGISLATIVE COUNSEL'S DIGEST

SB 383, as amended, Wolk. ~~Renewable energy.~~ *Community-Based Renewable Energy Self-Generation Program.*

(1) Under existing law, the Public Utilities Commission has regulatory jurisdiction over public utilities, including electrical corporations, as defined. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Under existing law, the local government renewable energy self-generation program authorizes a local government, as defined, to receive a bill credit, as defined, to be applied to a designated benefiting account for electricity exported to the electrical grid by an eligible renewable generating facility, as defined, and requires the commission to adopt a rate tariff for the benefiting account.

This bill would repeal these provisions and enact the Community-Based Renewable Energy Self-Generation Program. The

program would authorize a retail customer of an electric utility to purchase a subscription, as defined, in a community facility, as defined, for the purpose of receiving a bill credit, as defined, to offset all or a portion of the customer's electricity usage, consistent with specified requirements.

Because the provisions of the bill require action by the commission to implement its requirements, a violation of these provisions would impose a state-mandated local program by expanding the definition of a crime.

The bill would provide that any corporation or person engaged directly or indirectly in developing, producing, delivering, participating in, or selling interests in, a community facility is not a public utility or electrical corporation solely by reason of engaging in any of those activities.

(2) Existing law authorizes the City of Davis to receive a bill credit, as defined, to a benefiting account, as defined, for electricity supplied to the electrical grid by a photovoltaic electricity generation facility located within, and partially owned by, the city (PVUSA solar facility) and requires the commission to adopt a rate tariff for the benefiting account.

This bill would repeal these provisions relating to the City of Davis.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law expresses the intent of the Legislature, in establishing the California Renewables Portfolio Standard Program, that the amount of electricity generated per year from eligible renewable energy resources be increased to an amount that equals at least 20% of the total electricity sold to retail customers in California per year by December 31, 2010.~~

~~This bill would express the intent of the Legislature to enact legislation to stimulate the development of eligible renewable energy resources, as defined for purposes of the program, by allowing local governments, businesses, residents, and schools to invest in cost-effective, clean, and renewable energy and to create local jobs.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 216 of the Public Utilities Code is*
2 *amended to read:*

3 216. (a) “Public utility” includes every common carrier, toll
4 bridge corporation, pipeline corporation, gas corporation, electrical
5 corporation, telephone corporation, telegraph corporation, water
6 corporation, sewer system corporation, and heat corporation, where
7 the service is performed for, or the commodity is delivered to, the
8 public or any portion thereof.

9 (b) Whenever any common carrier, toll bridge corporation,
10 pipeline corporation, gas corporation, electrical corporation,
11 telephone corporation, telegraph corporation, water corporation,
12 sewer system corporation, or heat corporation performs a service
13 for, or delivers a commodity to, the public or any portion thereof
14 for which any compensation or payment whatsoever is received,
15 that common carrier, toll bridge corporation, pipeline corporation,
16 gas corporation, electrical corporation, telephone corporation,
17 telegraph corporation, water corporation, sewer system corporation,
18 or heat corporation, is a public utility subject to the jurisdiction,
19 control, and regulation of the commission and the provisions of
20 this part.

21 (c) When any person or corporation performs any service for,
22 or delivers any commodity to, any person, private corporation,
23 municipality, or other political subdivision of the state, that in turn
24 either directly or indirectly, mediately or immediately, performs
25 that service for, or delivers that commodity to, the public or any
26 portion thereof, that person or corporation is a public utility subject
27 to the jurisdiction, control, and regulation of the commission and
28 the provisions of this part.

29 (d) Ownership or operation of a facility that employs
30 cogeneration technology or produces power from other than a
31 conventional power source or the ownership or operation of a
32 facility which employs landfill gas technology does not make a
33 corporation or person a public utility within the meaning of this
34 section solely because of the ownership or operation of that facility.

35 (e) Any corporation or person engaged directly or indirectly in
36 developing, producing, transmitting, distributing, delivering, or
37 selling any form of heat derived from geothermal or solar resources
38 or from cogeneration technology to any privately owned or publicly

1 owned public utility, or to the public or any portion thereof, is not
2 a public utility within the meaning of this section solely by reason
3 of engaging in any of those activities.

4 (f) The ownership or operation of a facility that sells compressed
5 natural gas at retail to the public for use only as a motor vehicle
6 fuel, and the selling of compressed natural gas at retail from that
7 facility to the public for use only as a motor vehicle fuel, does not
8 make the corporation or person a public utility within the meaning
9 of this section solely because of that ownership, operation, or sale.

10 (g) Ownership or operation of a facility that is an exempt
11 wholesale generator, as defined in the Public Utility Holding
12 Company Act of 2005 (42 U.S.C. Sec. 16451(6)), does not make
13 a corporation or person a public utility within the meaning of this
14 section, solely due to the ownership or operation of that facility.

15 (h) The ownership, control, operation, or management of an
16 electric plant used for direct transactions or participation directly
17 or indirectly in direct transactions, as permitted by subdivision (b)
18 of Section 365, sales into a market established and operated by the
19 Independent System Operator or any other wholesale electricity
20 market, or the use or sale as permitted under subdivisions (b) to
21 (d), inclusive, of Section 218, shall not make a corporation or
22 person a public utility within the meaning of this section solely
23 because of that ownership, participation, or sale.

24 (i) *A corporation or person engaged directly or indirectly in*
25 *developing, producing, delivering, participating in, or selling*
26 *interests in, a community facility pursuant to Chapter 7.5*
27 *(commencing with Section 2830) of Part 2, is not a public utility*
28 *within the meaning of this section solely by reason of engaging in*
29 *any of those activities.*

30 SEC. 2. *Section 218 of the Public Utilities Code is amended*
31 *to read:*

32 218. (a) “Electrical corporation” includes every corporation
33 or person owning, controlling, operating, or managing any electric
34 plant for compensation within this state, except where electricity
35 is generated on or distributed by the producer through private
36 property solely for its own use or the use of its tenants and not for
37 sale or transmission to others.

38 (b) “Electrical corporation” does not include a corporation or
39 person employing cogeneration technology or producing power

1 from other than a conventional power source for the generation of
2 electricity solely for any one or more of the following purposes:

3 (1) Its own use or the use of its tenants.

4 (2) The use of or sale to not more than two other corporations
5 or persons solely for use on the real property on which the
6 electricity is generated or on real property immediately adjacent
7 thereto, unless there is an intervening public street constituting the
8 boundary between the real property on which the electricity is
9 generated and the immediately adjacent property and one or more
10 of the following applies:

11 (A) The real property on which the electricity is generated and
12 the immediately adjacent real property is not under common
13 ownership or control, or that common ownership or control was
14 gained solely for purposes of sale of the electricity so generated
15 and not for other business purposes.

16 (B) The useful thermal output of the facility generating the
17 electricity is not used on the immediately adjacent property for
18 petroleum production or refining.

19 (C) The electricity furnished to the immediately adjacent
20 property is not utilized by a subsidiary or affiliate of the corporation
21 or person generating the electricity.

22 (3) Sale or transmission to an electrical corporation or state or
23 local public agency, but not for sale or transmission to others,
24 unless the corporation or person is otherwise an electrical
25 corporation.

26 (c) “Electrical corporation” does not include a corporation or
27 person employing landfill gas technology for the generation of
28 electricity for any one or more of the following purposes:

29 (1) Its own use or the use of not more than two of its tenants
30 located on the real property on which the electricity is generated.

31 (2) The use of or sale to not more than two other corporations
32 or persons solely for use on the real property on which the
33 electricity is generated.

34 (3) Sale or transmission to an electrical corporation or state or
35 local public agency.

36 (d) “Electrical corporation” does not include a corporation or
37 person employing digester gas technology for the generation of
38 electricity for any one or more of the following purposes:

39 (1) Its own use or the use of not more than two of its tenants
40 located on the real property on which the electricity is generated.

(2) The use of or sale to not more than two other corporations or persons solely for use on the real property on which the electricity is generated.

(3) Sale or transmission to an electrical corporation or state or local public agency, if the sale or transmission of the electricity service to a retail customer is provided through the transmission system of the existing local publicly owned electric utility or electrical corporation of that retail customer.

(e) “Electrical corporation” does not include an independent solar energy producer, as defined in Article 3 (commencing with Section 2868) of Chapter 9 of Part 2.

(f) The amendments made to this section at the 1987 portion of the 1987–88 Regular Session of the Legislature do not apply to any corporation or person employing cogeneration technology or producing power from other than a conventional power source for the generation of electricity that physically produced electricity prior to January 1, 1989, and furnished that electricity to immediately adjacent real property for use thereon prior to January 1, 1989.

(g) *A corporation or person engaged directly or indirectly in developing, producing, delivering, participating in, or selling interests in, a community facility pursuant to Chapter 7.5 (commencing with Section 2830) of Part 2, is not an electrical corporation within the meaning of this section solely by reason of engaging in any of those activities.*

SEC. 3. Section 2826.5 of the Public Utilities Code is repealed.

~~2826.5. (a) As used in this section, the following terms have the following meanings:~~

~~(1) “Benefiting account” means an electricity account, or more than one account, mutually agreed upon by Pacific Gas and Electric Company and the City of Davis.~~

~~(2) “Bill credit” means credits calculated based upon the electricity generation component of the rate schedule applicable to a benefiting account, as applied to the net metered quantities of electricity.~~

~~(3) “PVUSA” means the photovoltaic electricity generation facility selected by the City of Davis, located at 24662 County Road, Davis, California, with a rated peak electricity generation capacity of 600 kilowatts, and as it may be expanded, not to exceed one megawatt of peak generation capacity.~~

1 ~~(4) “Net metered” means the electricity output from the PVUSA.~~

2 ~~(5) “Environmental attributes” associated with the PVUSA~~
3 ~~include, but are not limited to, the credits, benefits, emissions~~
4 ~~reductions, environmental air quality credits, and emissions~~
5 ~~reduction credits, offsets, and allowances, however entitled~~
6 ~~resulting from the avoidance of the emission of any gas, chemical,~~
7 ~~or other substance attributable to the PVUSA.~~

8 ~~(b) The City of Davis may elect to designate a benefiting~~
9 ~~account, or more than one account, to receive bill credit for the~~
10 ~~electricity generated by the PVUSA, if all of the following~~
11 ~~conditions are met:~~

12 ~~(1) A benefiting account receives service under a time-of-use~~
13 ~~rate schedule.~~

14 ~~(2) The electricity output of the PVUSA is metered for time of~~
15 ~~use to allow allocation of each bill credit to correspond to the~~
16 ~~time-of-use period of a benefiting account.~~

17 ~~(3) All costs associated with the metering requirements of~~
18 ~~paragraphs (1) and (2) are the responsibility of the City of Davis.~~

19 ~~(4) All electricity delivered to the electrical grid by the PVUSA~~
20 ~~is the property of Pacific Gas and Electric Company.~~

21 ~~(5) PVUSA does not sell electricity delivered to the electrical~~
22 ~~grid to a third party.~~

23 ~~(6) The right, title, and interest in the environmental attributes~~
24 ~~associated with the electricity delivered to the electrical grid by~~
25 ~~the PVUSA are the property of Nuon Renewable Ventures USA,~~
26 ~~LLC.~~

27 ~~(e) A benefiting account shall be billed on a monthly basis, as~~
28 ~~follows:~~

29 ~~(1) For all electricity usage, the rate schedule applicable to the~~
30 ~~benefiting account, including any surcharge, exit fee, or other cost~~
31 ~~recovery mechanism, as determined by the commission, to~~
32 ~~reimburse the Department of Water Resources for purchases of~~
33 ~~electricity, pursuant to Division 27 (commencing with Section~~
34 ~~80000) of the Water Code.~~

35 ~~(2) The rate schedule for the benefiting account shall also~~
36 ~~provide credit for the generation component of the time-of-use~~
37 ~~rates for the electricity generated by the PVUSA that is delivered~~
38 ~~to the electrical grid. The generation component credited to the~~
39 ~~benefiting account may not include the surcharge, exit fee, or other~~
40 ~~cost recovery mechanism, as determined by the commission, to~~

1 reimburse the Department of Water Resources for purchases of
2 electricity, pursuant to Division 27 (commencing with Section
3 80000) of the Water Code.

4 (3) If in any billing cycle, the charge pursuant to paragraph (1)
5 for electricity usage exceeds the billing credit pursuant to paragraph
6 (2), the City of Davis shall be charged for the difference.

7 (4) If in any billing cycle, the billing credit pursuant to paragraph
8 (2), exceeds the charge for electricity usage pursuant to paragraph
9 (1), the difference shall be carried forward as a credit to the next
10 billing cycle.

11 (5) After the electricity usage charge pursuant to paragraph (1)
12 and the credit pursuant to paragraph (2) are determined for the last
13 billing cycle of a calendar year, any remaining credit resulting
14 from the application of this section shall be reset to zero.

15 (d) Not more frequently than once per year, and upon providing
16 Pacific Gas and Electric Company with a minimum of 60 days
17 notice, the City of Davis may elect to change a benefiting account.
18 Any credit resulting from the application of this section earned
19 prior to the change in a benefiting account that has not been used
20 as of the date of the change in the benefit account, shall be applied;
21 and may only be applied, to a benefiting account as changed.

22 (e) Pacific Gas and Electric Company shall file an advice letter
23 with the Public Utilities Commission, that complies with this
24 section, not later than 10 days after the effective date of this section,
25 proposing a rate tariff for a benefiting account. The commission,
26 within 30 days of the date of filing, shall approve the proposed
27 tariff, or specify conforming changes to be made by Pacific Gas
28 and Electric Company to be filed in a new advice letter.

29 (f) The City of Davis may terminate its election pursuant to
30 subdivision (b), upon providing Pacific Gas and Electric Company
31 with a minimum of 60 days notice. Should the City of Davis sell
32 its interest in the PVUSA, or sell the electricity generated by the
33 PVUSA, in a manner other than required by this section, upon the
34 date of either event, and the earliest date if both events occur, no
35 further bill credit pursuant to paragraph (2) of subdivision (b) may
36 be earned. Only credit earned prior to that date shall be made to a
37 benefiting account.

38 (g) The Legislature finds and declares that credit for a benefiting
39 account for the electricity output from the PVUSA are in the public
40 interest in order to value the production of this unique, wholly

~~renewable resource electricity generation facility located in, and
owned in part by, the City of Davis. Because of the unique
circumstances applicable only to the PVUSA a statute of general
applicability cannot be enacted within the meaning of subdivision
(b) of Section 16 of Article IV of the California Constitution.
Therefore, this special statute is necessary.~~

*SEC. 4. Chapter 7.5 (commencing with Section 2830) of Part
2 of Division 1 of the Public Utilities Code is repealed.*

*SEC. 5. Chapter 7.5 (commencing with Section 2830) is added
to Part 2 of Division 1 of the Public Utilities Code, to read:*

*CHAPTER 7.5. COMMUNITY-BASED RENEWABLE ENERGY
SELF-GENERATION PROGRAM*

2830. The Legislature finds and declares all of the following:

*(a) Despite the fact that all California utility customers fund
current self-generation programs, residential and commercial
renters, small businesses, public entities, and low-and
moderate-income Californians usually do not have the ability to
participate fully in current self-generation programs. The purpose
of this chapter is to provide all Californians with the opportunity
to self-generate clean, renewable power through the
Community-Based Renewable Energy Self-Generation Program.
It is in the public interest to promote broader participation in
renewable self-generation by California residents, public agencies,
and businesses by the development of community renewable energy
facilities in which participants are entitled to generate and receive
renewable power through an over-the-fence transaction.*

*(b) It is the intent of the Legislature that public schools have
the authority to invest in renewable power as provided in this
chapter. Energy usage is one of the most significant cost pressures
facing public schools at a time when schools have been forced to
cut essential programs, increase classroom sizes, and send pink
slips to teachers throughout the state. Schools may use the savings
for restoring funds for salaries, student achievement, facility
maintenance, and other budgetary needs. The energy projects that
will go forward under this chapter would create new green
construction jobs, stimulate the economy, generate funding, and
provide more clean renewable power to customers.*

1 (c) Community-based renewable power will contribute to the
2 achievement of the 33 percent renewables portfolio standard in a
3 cost-effective manner and will assist in meeting the state's zero
4 net energy buildings goals. This chapter provides job creation,
5 environmental protection, and school funding for those who choose
6 to make the investment in community-based renewable energy
7 self-generation facilities.

8 2831. As used in this chapter, the following terms have the
9 following meanings:

10 (a) "Benefiting account" means one or more accounts
11 designated to receive a bill credit pursuant to Section 2832.

12 (b) "Bill credit" means an amount of money credited to one or
13 more benefiting accounts based on the percentage share of the
14 community facility that is assigned to the account.

15 (c) "Community facility" means a renewable energy facility
16 that meets all of the following requirements:

17 (1) Has a generating capacity of no more than 20 megawatts.

18 (2) Is an eligible renewable energy resource, as defined in
19 Article 16 (commencing with Section 399.11) of Part 1.

20 (3) The electrical output of the facility is measured by a
21 production meter capable of recording production in real time.

22 (4) Sells subscriptions to the electrical output of the facility.

23 (5) Is located in California.

24 (d) "Electrical utility" means an electrical corporation, as
25 defined in Section 218.

26 (e) "Local government" means a city, county, city and county,
27 special district, school district, political subdivision, or other local
28 governmental entity.

29 (f) "Subscriber" means a retail customer of an electric utility
30 who owns a subscription and who has designated one or more
31 benefiting accounts to which the subscription shall be attributed,
32 including a local government, the California Community Colleges,
33 the California State University, and the University of California.

34 (g) "Subscriber organization" means any for-profit or nonprofit
35 organization or business, created and operating pursuant to law,
36 whose purpose is to beneficially own or operate a community
37 facility for the subscribers to the community facility.

38 (h) "Subscription" means an interest in a community facility.

39 2832. (a) (1) A retail customer of an electrical utility may
40 purchase a subscription in a community facility for the purpose

1 of receiving a bill credit to offset all or a portion of the customer's
2 electricity usage. The subscriber shall designate one or more
3 benefiting accounts to which the subscription shall be attributed.

4 (2) To be eligible to be designated as a benefiting account, the
5 account shall be for service to premises located within the
6 geographical boundaries of the service territory of the electrical
7 utility containing the community facility, or within the geographical
8 boundaries of a contiguous service territory, if the electrical utility
9 and the utility for that service territory have entered into an
10 agreement enabling the connection of the benefiting account to
11 the community facility.

12 (3) The benefiting account shall be metered on a time-of-use
13 tariff.

14 (b) (1) For community facilities that are interconnected at the
15 transmission level, the bill credit shall be calculated based upon
16 the time-of-use electricity generation component of the electricity
17 usage charge of the benefiting account, multiplied by the quantity
18 of electricity generated by the community facility that is assigned
19 to the benefiting account pursuant to this section.

20 (2) For community facilities that are interconnected at the
21 distribution level, the bill credit shall be calculated based upon
22 the time-of-use electricity generation and transmission component
23 of the electricity usage charge of the benefiting account, multiplied
24 by the quantity of electricity generated by the community facility
25 that is assigned to the benefiting account pursuant to this section.

26 (c) (1) Each subscription shall be sized to represent at least
27 one kilowatt of the community facility's generating capacity.

28 (2) A subscriber shall not purchase more than 2 megawatts of
29 capacity in any single community facility. This subdivision does
30 not apply to a local government.

31 (3) A subscriber organization may beneficially own or operate
32 a community facility for the subscribers to the community facility.
33 A community facility may be built, owned, or operated by a third
34 party under contract with a subscriber organization.

35 (4) Prior to a sale of a subscription, the subscriber organization
36 shall provide a disclosure to the customer that, at a minimum,
37 includes all of the following:

38 (A) A good faith estimate of the annual kilowatthours to be
39 delivered by the community facility based on the size of the
40 subscription.

1 (B) A plain language explanation of the terms under which the
2 bill credits will be calculated.

3 (C) A plain language explanation of the contract provisions
4 regulating the disposition or transfer of the subscription.

5 (5) The commission shall not regulate the prices paid for the
6 shares of a community facility.

7 (d) Local governments may aggregate their loads for the
8 purpose of participating in a community facility pursuant to this
9 section.

10 (e) (1) A subscriber organization shall provide to the electrical
11 utility information on the identity of the benefiting accounts that
12 will receive a bill credit pursuant to this section not less than 30
13 days prior to the commencement of the operations of the community
14 facility.

15 (2) For a local government that elects to aggregate its loads
16 for the purpose of purchasing a subscription, if the local
17 government has more than one benefiting account the owner or
18 operator of the facility shall designate the specific accounts and
19 percentage allocations to which the bill credit shall apply.

20 (3) A subscriber organization shall be responsible for all costs
21 of metering and shall retain production data for a period of 36
22 months. The subscriber organization shall provide real-time meter
23 data to the electrical utility and shall make the data available to
24 the subscribers upon request.

25 (f) (1) Not more frequently than once per month, and upon
26 providing the electrical utility with a minimum of 30 days, notice,
27 the subscriber organization may change, add, or remove a
28 benefiting account. If the owner of a benefiting account transfers
29 service to a new benefiting account, the electrical utility shall
30 transfer any credit remaining from the previous account to the
31 new account.

32 (2) A subscriber organization shall be responsible for providing
33 the electrical utility, on a monthly basis, the percentage shares to
34 be used to determine the bill credit to each benefiting account.

35 (g) (1) An electrical utility shall bill a benefiting account for
36 all electricity usage, and for each bill component, at the rate
37 schedule applicable to the benefiting account, including any
38 cost-responsibility surcharge or other cost recovery mechanism,
39 as determined by the commission, to reimburse the Department of
40 Water Resources for purchases of electricity pursuant to Division

1 27 (commencing with Section 80000) of the Water Code.
2 Community facilities shall not be subject to any other departing
3 load charge.

4 (2) An electrical utility shall subtract the bill credit applicable
5 to the benefiting account. The generation component credited to
6 the benefiting account shall not include the cost-responsibility
7 surcharge or other cost recovery mechanism, as determined by
8 the commission, to reimburse the Department of Water Resources
9 for purchases of electricity pursuant to Division 27 (commencing
10 with Section 80000) of the Water Code. The electrical utility shall
11 ensure that the subscriber receives the full bill credit to which it
12 is entitled.

13 (3) If during the billing cycle the electricity usage charge
14 exceeds the bill credit, the benefiting account shall be billed for
15 the difference.

16 (4) If during the billing cycle the bill credit exceeds the
17 electricity usage charges, the difference shall be carried forward
18 as a financial credit to the next billing cycle.

19 (5) After the electricity usage charge and the credit are
20 determined for the last billing cycle of a 12-month period, the
21 electrical utility shall apply the net surplus electricity attributed
22 to the benefiting account as a bill credit for kilowatthours
23 subsequently supplied by the electrical utility to the subscribers,
24 if the electricity generated by the community facility during the
25 12-month period exceeds the electricity supplied by the electrical
26 utility during that same period.

27 (h) A subscriber organization shall provide not less than 120
28 days, notice to the electrical utility prior to the date the community
29 facility becomes operational.

30 (i) If a subscriber sells or cancels its interest in, or contract
31 with the owner or operator of, the community facility, or sells the
32 electricity generated by the community facility in a manner that
33 is not authorized by this section, upon the date of that event, no
34 further bill credit may be earned pursuant to this section, and only
35 credit earned prior to that date may be assigned by the subscriber
36 organization to a new benefiting account.

37 (j) The electrical utility shall own the renewable energy credits
38 generated by a community facility. The electricity generated by
39 community facilities shall be taken into account in determining
40 whether the electrical utility has met its renewables portfolio

1 requirements under Article 16 (commencing with Section 399.11)
2 of Part 1.

3 (k) This section does not require an electrical utility to purchase
4 electricity from a community facility.

5 (l) An electrical utility shall ensure that requests for
6 establishment of bill credits and changes to benefiting accounts
7 are processed in a time period not to exceed 30 days from the date
8 it receives the request.

9 (m) (1) A community facility may elect to provide energy only
10 or energy and capacity. An electrical utility shall ensure that a
11 request for a distribution level interconnection agreement from a
12 community facility is processed in a time period not to exceed 90
13 working days from the date the electrical utility receives a
14 completed application for interconnection.

15 (2) All costs associated with interconnection are the
16 responsibility of the owner or operator of the community facility.
17 The community facility shall apply for transmission level
18 interconnections through the Independent System Operator's
19 generation interconnection process.

20 (n) An electrical utility shall cooperate fully with community
21 facilities to implement this section.

22 (o) An electrical utility shall comply with the requirements
23 applicable to commercial speech described in Public Utilities
24 Commission Decision 10-05-050 as applied to the development,
25 sale of subscriptions, and operation of community facilities.
26 Community facilities may file a complaint with the commission
27 for violation of this subdivision.

28 SEC. 6. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.

37 ~~SECTION 1. It is the intent of the Legislature to enact~~
38 ~~legislation to stimulate the development of eligible renewable~~
39 ~~energy resources, as defined in Article 16 (commencing with~~
40 ~~Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of the Public~~

1 ~~Utilities Code, by allowing local governments, businesses,~~
2 ~~residents, and schools to invest in cost-effective, clean, and~~
3 ~~renewable energy and to create local jobs.~~

O